

REMARKS

The Office Action dated January 22, 2009 has been received and carefully studied.

The Examiner maintains the rejection of claims 1, 4-5, 7 and 9 under 35 U.S.C. §102(b) as being anticipated by Hotta et al., JP '935. The Examiner also rejects claims 1-9 (sic, claims 1 and 4-9) under 35 U.S.C. §103(a) as being unpatentable over Hotta et al. The Examiner

By the accompanying amendment, claim 1 has been amended to recite a method of controlling fleas parasitic on a companion animal with low toxicity against the companion animal, comprising applying or administering to the companion animal a flea-killing effective amount of an N-substituted indole derivative. Support for the amendment can be found on page 13 of the specification, for example.

The claimed invention as amended relates to a method of controlling fleas on a companion animal, by applying or administering as an active ingredient an N-substituted indole derivative of formula (I) wherein X is N or C-Cl; Y is a C1-C3 alkyl group substituted by a halogen atom(s); R1 is a C1-C3 alkyl group substituted by a halogen atom(s); R2, R3 and R4 are independently a hydrogen atom, a C1-C3 alkyl group optionally substituted by a halogen atom(s), or a halogen atom; m is 0, 1 or 2; and n is 1. Thus, the claimed invention uses the

extremely limited N-substituted indole derivative of formula (I), which is fully supported by Compounds 14, 17 and 25 listed in Table 1 and used in Test Examples 1 and 2 of the present specification. Compounds 14, 17 and 25 are specifically recited in the instant claim 4.

The data of Test Examples 1 and 2 demonstrate that Compounds 14, 17 and 25 have low toxicity to mouse and cat, while these compounds have high insecticidal activity against cat flea as demonstrated in Examples 4 and 5 of the present specification.

In the meantime, the inventions of claims 6 to 9 relate to applying a shampoo or rinse for controlling fleas, or applying a percutaneous preparation comprising liquid drops for controlling fleas, all of which use the extremely limited N-substituted indole derivative of formula (I) as discussed above.

Hotta et al. neither teach nor suggest that the application or administration of the N-substituted indole derivatives of formula (I) recited in amended claim 1 have low toxicity to mouse and cat, while they have high insecticidal activity against flea. Hotta et al. teach at paragraphs [0017] to [0019] that the indole derivatives can be mixed with a liquid carrier, an emulsifier, a dispersant, or a disintegrator among other excipients.

However, Hotta et al. describe at paragraphs [0016] to [0017] that the indole can be mixed with agricultural-chemicals adjuvants such as a liquid carrier, an emulsifier, a dispersant, a disintegrator and the like. Thus, Hotta et al. teach that a liquid carrier, an emulsifier, a dispersant, a disintegrator and the like are used as agricultural-chemicals adjuvants.

On the other hand, the application of a shampoo or rinse or the percutaneous preparation comprising liquid drops as claimed in claims 6-9 are used for controlling fleas. Therefore, the methods of claims 6-9 are fundamentally different from the teachings of Hotta et al. at paragraphs [0016] to [0019].

Furthermore, Hotta et al. neither teach nor suggest the use of the N-substituted indole derivatives of formula (I) recited in amended claim 1 and having low toxicity to companion animals, while having high insecticidal activity against flea.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,

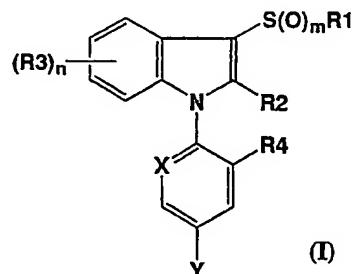
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Amendment to the claims

This listing of claims replaces all prior versions, and listings, of claims in the application.

Listing of claims:

1. (Currently amended) A method of controlling fleas parasitic on a companion animal with low toxicity against said companion animal, comprising applying or administering to said companion animal flea control agent comprising a flea-killing effective amount of an N-substituted indole derivative represented by general formula (I):



wherein X is N or C-C1; Y is a C1-C3 alkyl group substituted by a halogen atom(s); R1 is a C1-C3 alkyl group substituted by a halogen atom(s); R2, R3 and R4 are independently a hydrogen atom, a C1-C3 alkyl group optionally substituted by a halogen atom(s), or; m is 0, 1 or 2; and n is 1.

2. (Cancelled)
3. (Cancelled)
4. (Currently amended) A flea control agent The method according to claim 1, wherein the compound of general formula (I) is 1-(3-chloro-5-trifluoromethylpyridin-2-yl)-3-(dichlorofluoromethyl-

thio)indole, 1-(2,6-dichloro-4-trifluoromethylphenyl)-3-(dichlorofluoromethylthio)indole or 1-(2,6-dichloro-4-trifluoromethylphenyl)-3-(trifluoromethylthio)indole.

5. (Currently amended) ~~A flea control agent~~ The method according to claim 1 or 4, wherein the fleas to be controlled are fleas parasitic on companion animals.

6. (Currently amended) ~~A shampoo or rinse for controlling fleas comprising the flea control agent~~ The method according to 1 or 4, wherein said N-substituted indole derivative is applied to said companion animal in a shampoo or rinse form.

7. (Currently amended) ~~A percutaneous preparation comprising liquid drops for controlling fleas, comprising the flea control agent~~ The method according to claim 1 or 4, wherein said N-substituted indole derivative is applied to said companion animal in a percutaneous preparation form containing liquid drops.

8. (Currently amended) ~~A shampoo or rinse for controlling fleas comprising the flea control agent~~ The method according to claim 5, wherein said N-substituted indole derivative is applied to said companion animal in a shampoo or rinse form.

9. (Currently amended) ~~A percutaneous preparation comprising liquid drops for controlling fleas, comprising the flea control agent~~ The method according to claim 5, wherein said N-substituted indole derivative is applied to said companion animal in a percutaneous preparation form containing liquid drops.